

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COUNT BASIE THEATRE INC.,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

Case No.: 3:21-cv-00615

Motion Return Date: November 15, 2021

NOTICE OF PARTIAL MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12

PLEASE TAKE NOTICE that on November 15, 2021, or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Zurich American Insurance Company (“Zurich”) shall move before the Honorable Brian R. Martinotti, U.S.D.J., at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608 for a partial order of dismissal pursuant to Rule 12 of the Federal Rules of Civil Procedure; and

PLEASE TAKE FURTHER NOTICE that in support of this motion, Zurich intends to rely upon the memorandum of law and certification of counsel with exhibits submitted herewith.

Respectfully submitted,

**MOUND COTTON WOLLAN &
GREENGRASS LLP**
Attorneys for Defendant
Zurich American Insurance Company

Dated: September 20, 2021

By: /s/ Philip C. Silverberg
Philip C. Silverberg
William D. Wilson
Craig R. Rygiel